

Serial No.: 10/769,768  
Docket No.: 101-1013  
Amendment After Final dated November 2, 2009  
Reply to the Final Office Action of September 3, 2009

### **REMARKS**

Applicant notes with appreciation the Examiner's indication that claims 1-14 are allowed. Upon entry of the foregoing Amendment, claims 1-16 are pending in the application. Claim 15 has been amended for clarification purposes only, to address the Examiner's concerns, and to help expedite prosecution of this application. Accordingly, no amendments which would be determined to invoke *Festo* are being submitted. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are respectfully requested.

Entry of this Amendment After Final is proper under 37 C.F.R. §1.116 because the claim amendments: (a) place this application in condition for allowance (for the reasons discussed herein), (b) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution as indicated in the Final Office Action), (c) present the rejected claims in better form for consideration on appeal (should an appeal be necessary), and (d) are necessary and were not earlier presented because they are made in response to arguments raised in the Final Office Action.

Accordingly, for at least the reasons discussed above, entry of this Amendment is respectfully requested.

### **Rejection under 35 USC §112**

Claims 15 and 16 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration and withdrawal of the rejection is respectfully requested for at least the following reasons.

Applicant is grateful for the courtesies extended by the Examiner to Applicant's representative during the telephone interview held on September 15, 2009, in which the Examiner indicated that by amending claim 15 in the manner set forth herein, the rejection of claim 15 under 35 U.S.C. 112, second paragraph, would be overcome.

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Accordingly, Applicant has amended claim 15 in the manner suggested by the Examiner during the telephone interview held on September 15, 2009 in an earnest attempt to address the Examiner's concerns. Accordingly, it is respectfully submitted that the rejection to claim 15 under 35 U.S.C. §112, second paragraph, has been fully addressed and overcome, and withdrawal of the rejection and allowance of claim 15 are respectfully requested.

With regard to dependent claim 16, it is respectfully submitted that for at least the reason that this claim depends from independent claims 15, which is allowable over the prior art of record for at least the reasons set forth above, dependent claim 16 is also allowable over the prior art of record, and allowance of claim 16 is respectfully requested.

#### **Conclusion**

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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